REMARKS

Claims 1 to 8, 11 to 13 and 15 to 21 as set forth in Appendix II of this paper are now pending in this case. Claims 9, 10 and 14 have been canceled, Claims 1, 3 to 7, 11 to 13 and 15 have been amended, and Claims 16 to 21 have been added as indicated in the Listing of Claims set forth in Appendix I of this paper.

Accordingly, applicants have revised the claims to recite "*Streptomyces*" and species thereof in italics[1)], and have amended Claims 3 and 5 to remove references to particular or preferable embodiments of the claimed subject matter. The embodiments removed from Claims 3 and 5 are now the subject of new Claims 16 and 17. Claims 6 and 11 have been revised to recite the alternative mixtures and substrates as a Markush group. Claim 7 has been amended to further specify the analyte referenced in stage (a) in accordance with the provisions of Claims 9 and 10, and to clarify stage (b). As revised, stage (b) now provides that the color reaction is carried out with the epoxide which is present in the mixture obtained in stage (a), and further specifies that the color reaction results in a pigment. Claim 13 has been reworded to relate to a method which specifies appropriate process steps. In Claim 15, applicants have made a number of editorial changes to allow an easier understanding of the claimed subject matter, and have replaced the expression "*if appropriate*" by --optionally--. The optional embodiment of stage (b) of Claim 15 wherein the method of Claim 7 is used in the testing for epoxide hydrolase activity has been deleted and is now subject of new Claim 18. New Claims 19, 20 and 21 depend upon Claim 18 and otherwise correspond to Claims 8, 11 and 16, respectively. No new matter has been added.

The Examiner has rejected Claims 13 and 14 under 35 U.S.C. §101 as being drawn to non-statutory subject matter. Withdrawal of the respective rejection is respectfully solicited in light of the foregoing and the attached. It is further respectfully requested that the Examiner withdraw the rejection of Claims 1, 3 to 7 and 10 to 15 under 35 U.S.C. §112, ¶2, since the changes effected by applicants in the present amendment fully obviate the Examiner's reasons for finding the claims indefinite. Favorable action is solicited.

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1) Claims 1, 3 to 5, 13 and 15.

The Examiner has rejected Claim 4 under 35 U.S.C. §112, ¶1, indicating that it is not apparent whether applicants have met the deposit and availability provisions set forth in Rules 801 to 809. Applicants herewith enclose a copy of the receipt issued by DSMZ[2] which confirms that a sample of the designated organism was first duly deposited by applicants in accordance with the Budapest Treaty on July 13, 1999, and that the deposited sample was assigned Accession Number *"DSM 12959"*. Withdrawal of the respective rejection is respectfully solicited.

The Examiner has rejected Claims 1 to 3, 5, 6 and 13 to 15 under 35 U.S.C. §112, ¶1, contending that applicants' disclosure fails to enable a person of ordinary skill in the art to make and/or use the claimed invention where *Streptomyces* species different from *S. antibioticus*, *S. fradiae*, *S. arenae*, *S. griseus* and *S. thermovulgaris* are concerned. More particularly, the Examiner takes the position that there is no assurance that all strains of *Streptomyces* have the epoxide hydrolase enzyme.

It is well settled that a specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, ¶1, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. A rejection for failure to teach how to make and/or use the claimed invention under 35 U.S.C. §112, ¶1, is proper only where sufficient reason for such doubt exists[3]. As stated by the Court, *"it is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure"*[4].

The Examiner has merely expressed doubt without, however, providing evidence or reasoning why a person of ordinary skill in the art

2) "Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH"; and international depositary authority recognized under the Budapest Treaty (*ie. MPEP §2405*).

3) In re Marzocchi, 439 F.2d 220, 169 USPQ 367 (CCPA 1971).

4) In re Marzocchi, 439 F.2d at 224, 169 USPQ at 370.

would question the truth or accuracy of applicants' statement in the supporting disclosure that epoxide hydrolases can be isolated from bacteria of the genus *Streptomyces*. As such, the Examiner has not met the burden to establish that applicants' disclosure is insufficient to enable a person of ordinary skill in the art. Withdrawal of the respective rejection is therefore respectfully solicited.

The Examiner has rejected Claims 1 to 15 under 35 U.S.C. §102(a) as being anticipated by the teaching of ***Zocher et al.*** (**J. Biotech. 77,** *287-292 (2000)*). It is respectfully solicited that the Examiner hold the issue in abeyance. Applicants have obtained a certified copy of the priority document[5] and have ordered an English language translation thereof to perfect their claim to priority. The requisite documents will be forwarded to the Examiner as soon as the translation is available. The ***Zocher et al.*** reference was published only after applicants filed the priority application. The rejection based on the teaching of ***Zocher et al.*** will therefore be obviated once the mentioned documents are provided.

The Examiner has rejected Claim 4 under 35 U.S.C. §102(b) as being anticipated by the teaching of ***Lutz-Wahl et al.*** (**Appl. Environ. Microbiol. 64***(10), 3878-3881 (1998)*). The Examiner contends that the respective reference teaches in Table 1 a "Streptomyces antibioticus *Tü4 deposited at the DSMZ under the Deposit Number DSM 12925*" as required by applicants' Claim 4. Favorable reconsideration of the Examiner's position is respectfully solicited.

To be prior art under Section 102(b), a reference must put the anticipating subject matter at issue into the possession of the public through an enabling disclosure[6]. Moreover, to provide an enabling disclosure the description of the subject matter at issue which is provided by the prior art reference must have the same level of technical detail as the specification which supports the claim[7]. The teaching of ***Lutz-Wahl et al.*** does not place the bacterium *Streptomyces antibioticum* Tü4 into the possession of the public because it does not provide the public with an enabling disclosure.

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5) DE application No. 199 35 113.9 filed on July 27, 1999

6) Chester v. Miller, 906 F.2d 1574, 15 USPQ2d 1333 (CAFC 1990); Paperless Accounting Inc. v. Bay Area Rapid Transit Sys., 804 F.2d 659, 231 USPQ 469 (CAFC 1986), *cert. denied* 480 U.S. 933 (1987)

7) Constant v. Advanced Micro Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (CAFC 1988), *cert. denied* 488 U.S. 892 (1988)

Table 1 of ***Lutz-Wahl et al.*** sets forth the following information concerning *Streptomyces antibioticus* Tü4:

Streptomyces strain[a]	Conversion rate (%)[b]				
	β-Ionone	4-Hydroxy-β-ionone	α-Ionone	3-Hydroxy-α-ionone	Unidentified compounds[c]
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
S. antibioticus Tü4	94	5	68	28	1/4
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.

[a] *Streptomyces* strain Tü and Lu designations refer to the strain collections of the Institute of Microbiology/Biotechnology (University of Tübingen) and the BASF AG, respectively ...

The strain collections referenced in footnote (a) of Table 1 of ***Lutz-Wahl et al.*** are non-public collections. Accordingly, the inclusion of a strain into one of those collections does not make the strain available to the public or *"puts the public in possession of"* the respective strain. ***Lutz-Wahl et al.*** give no further information as to *S. antibioticus* Tü4 and its public availability. Access of the public to the strain in question was therefore not provided until after applicants had deposited a sample with the International Depositary Authority. The mere fact that ***Lutz-Wahl et al.*** mention *S. antibioticus* Tü4 in their publication cannot be deemed to meet the requirements for an anticipatory disclosure within the meaning of Section 102(b). Withdrawal of the rejection of Claim 4 under Section 102(b) is therefore respectfully solicited.

The Examiner has rejected Claims 7 to 11 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of ***Rink et al.*** (**J. Biol. Chem. 272***(23), 14650-14657 (1997)*), the teaching of ***Zocher et al.*** (**Anal. Chim. Acta 391**, *345-351 (1999)*), or the teaching of ***Nells et al.*** (**Anal. Chem 54**, *213-216 (1982)*). ***Rink et al.*** and ***Zocher et al.*** refer to enzyme assays for epoxide hydrolases which are based on the color reaction between epoxide and nitrobenzylpyridine taught by ***Nells et al.*** Neither one of the references, however, suggests or implies to apply the color reaction or the assay to an incubate of a bacterium of the genus *Streptomyces*, a homogenate of the bacterium or a fraction of the homogenate as is required by Claim 7 as herewith submitted.

To establish that a claimed invention is obvious within the meaning of Section 103(a), three basic criteria must be met: First, there

must be some suggestion or motivation, either in the reference itself -or, where references are combined, in the references themselves- or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success, and, finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and cannot be based on applicant's disclosure[8]. Also, the level of skill in the art cannot be relied upon to provide the suggestion to combine references[9]. Accordingly, the mere fact that the prior art can be modified in some manner so as to arrive at a claimed invention is not enough to support a conclusion of obviousness unless the prior art suggests the desirability of the specific modification which is required[10].

Neither one of the three references when taken alone, nor any possible combination of those references suggests the utilization of an incubate of a bacterium of the genus *Streptomyces*, a homogenate of the bacterium or a fraction of the homogenate in accordance with the requirements of stage (a) of applicants' detection method. Moreover, the references -alone or in combination- fail to provide for information which would motivate a person of ordinary skill to make the necessary modification. Accordingly, the first of the three criteria is not met. Also, the three references -alone or in combination- fail to teach or suggest all of the limitations defined in applicants' Claim 7. The third of the three criteria is therefore also not met. Under those circumstances, the teachings of ***Rink et al.***, ***Zocher et al.*** and/or ***Nells et al.*** cannot be regarded as establishing that applicants' invention defined in Claim 7 was obvious within the meaning of Section 103(a) at the time the invention was made. The same applies *mutatis mutandis* to the subject matter which is defined in Claims 8 and 11 which depend upon Claim 7[11], and Claims 9 and 10 are no longer pending. Favorable reconsideration of the Examiner's posi-

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8) In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (CAFC 1991)

9) Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161, 1171 (CAFC 1999)

10) ie. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (CAFC 1984); see also, eg., Interconnect. Planning Corp. v. Feil, 774 F.2d 1132, 227 USPQ 543 (CAFC 1985)

11) If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious (In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

tion and withdrawal of the rejection of Claims 7 to 11 under Section 103(a) is therefore respectfully solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a *one* month extension of time be granted in this case. A check for the *$110.00* fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

/HBKeil

Herbert B. Keil
Reg. No. 18,967

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Washington, D.C. 20036
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Encl.: THE LISTING OF CLAIMS (Appendix I)
THE CURRENT CLAIMS (Appendix II)
Receipt of deposition of *S. antibioticus* Tü4 with the DSMZ dated July 15, 1999 (copy)

HBK/BAS

APPENDIX I:

THE LISTING OF CLAIMS (version with markings):

1. (*currently amended*) An epoxide hydrolase (E.C. 3.3.2.3) from a microorganism of the genus [~~Streptomyces~~] *Streptomyces*.

2. (*original*) An epoxide hydrolase as claimed in claim 1, having at least one of the following properties:
   a) hydrolytic epoxide cleavage of a styrene oxide and of at least one other compound selected from ethyl 3-phenylglycidates, n-hexane-1,2-oxides, n-decane-1,2-oxides and indene oxides;
   b) conversion of a racemate of styrene oxide with an enantioselectivity E ≥ 2 to give (S)-phenyl-1,2-ethanol.

3. (*currently amended*) An epoxide hydrolase isolated from bacteria of the genus [~~Streptomyces~~] *Streptomyces*[~~, in particular~~] from the species [~~S. griseus~~] *Streptomyces griseus*, [~~S. thermovulgaris~~] *Streptomyces thermovulgaris*, [~~S. antibioticus~~] *Streptomyces antibioticus*, [~~S. arenae~~] *Streptomyces arenae* and [~~S. fradiae~~] *Streptomyces fradiae*[~~, preferably from the strains Streptomyces griseus (DSM 40236 and DSM 13447), Streptomyces thermovulgaris (DSM 40444 and DSM 13448), Streptomyces antibioticus Tü4 (DSM 12925), Streptomyces arenae Tü495 (DSM 40737 and DSM 12134) or Streptomyces fradiae Tü27 (DSM 12131)~~].

4. (*currently amended*) A [~~Streptomyces antibioticus~~] *Streptomyces antibioticus* Tü4 deposited at the DSMZ under the Deposit Number DSM 12925.

5. (*currently amended*) A process for separating epoxide enantiomer mixtures, which comprises
   a) incubating an epoxide enantiomer mixture, which comprises an epoxide hydrolase substrate, with an epoxide hydrolase as claimed in claim 1, a microorganism of the genus [~~Streptomyces~~] *Streptomyces*, an epoxide hydrolase-containing homogenate thereof, or a fraction of this homogenate;
   b) converting the enantiomeric mixture[~~, preferably until the reaction equilibrium is established~~]; and
   c) fractionating the reaction mixture.

6. (*currently amended*) A process as claimed in claim 5, wherein an enantiomeric mixture of an epoxide is converted, which mixture is

selected from the group consisting of styrene oxides, 3-phenylglycidate, hexane-1,2-oxides, decane-1,2-oxides and indene oxides.

7. (*currently amended*) A detection method for epoxide hydrolase, which comprises

a) incubating an analyte in which epoxide hydrolase activity is suspected with an epoxide-containing substrate for the hydrolase under reaction conditions, wherein the analyte is a bacterium of the genus *Streptomyces*, a homogenate therefrom or a fraction of this homogenate;

b) carrying out a color reaction with [~~unreacted~~] the epoxide remaining unreacted in stage a) in the presence of 4-nitrobenzylpyridine (NBP) to form a pigment; and

c) analyzing the solution from step b) for a decrease in pigment concentration, relative to an epoxide hydrolase-free control solution.

8. (*original*) A method as claimed in claim 7, wherein the relative decrease in pigment concentration is determined quantitatively and the epoxide hydrolase activity in the analyte is determined therefrom.

9. (*canceled*)

10. (*canceled*)

11. (*currently amended*) A method as claimed in claim 7, wherein the epoxide-containing substrate is selected from the group consisting of styrene oxide, 3-phenylglycidate, hexane-1,2-oxide and[~~/or~~] indene oxide, each of which group members being employed in enantiomeric pure form or as an enantiomeric mixture.

12. (*currently amended*) A screening method for detecting microorganisms having epoxide hydrolase activity, [~~and/~~]or having the ability for the enantioselective hydrolysis of epoxides, comprising a detection method as claimed in claim 7.

13. (*currently amended*) [~~The use of~~] A method for the enantioselective hydrolysis of epoxides, which comprises reacting an enantiomeric mixture of epoxides with an epoxide hydrolase as claimed in claim 1, a microorganism of the genus [~~Streptomyces~~] *Streptomyces*, an epoxide-hydrolase-containing homogenate thereof or a fraction of this homogenate [~~for the enantioselective hydrolysis of epoxides~~] to obtain a reaction mixture comprising non-reacted epoxide and a

hydroxyide, and isolating the non-reacted epoxide or the hydroxide, or both from the reaction mixture.

14. (*canceled*)

15. (*currently amended*) A process for producing epoxide hydrolases (E.C. 3.3.2.3), [~~wherein~~] which comprises

a) producing a cell homogenate [~~is produce~~] from a culture of a microorganism of the genus [~~Streptomyces~~] *Streptomyces*;

b) fractionating the homogenate [~~is fractioned~~] obtained in stage a), and testing the resultant fractions [~~being tested~~] for epoxide hydrolase activity[~~, if appropriate using a detection method as claimed in claim 7~~]; and

c) combining fractions having epoxide hydrolase activity, [~~are combined~~] and [~~if appropriate~~] optionally further [~~fractionated~~] fractionating the combined fractions.

16. (*new*) The epoxide hydrolase of claim 3, wherein the bacteria of the genus *Streptomyces* are selected from the strains *Streptomyces griseus* (DSM 40236 and DSM 13447), *Streptomyces thermovulgaris* (DSM 40444 and DSM 13448), *Streptomyces antibioticus* Tü4 (DSM 12925), *Streptomyces arenae* Tü495 (DSM 40737 and DSM 12134) and *Streptomyces fradiae* Tü27 (DSM 12131).

17. (*new*) The process of claim 5, wherein the conversion of stage (b) is allowed to proceed until reaction equillibrium is established before proceeding to stage (c).

18. (*new*) The process of claim 15, wherein the resultant fractions are tested for epoxide hydrolase activity by a method which comprises

a) incubating an analyte in which epoxide hydrolase activity is suspected with an epoxide-containing substrate for the hydrolase under reaction conditions, wherein the analyte is a bacterium of the genus *Streptomyces*, a homogenate therefrom or a fraction of this homogenate;

b) carrying out a color reaction with the epoxide remaining unreacted in stage a) in the presence of 4-nitrobenzylpyridine (NBP) to form a pigment; and

c) analyzing the solution from step b) for a decrease in pigment concentration, relative to an epoxide hydrolase-free control solution.

19. (*new*) The process of claim 18, wherein the relative decrease in pigment concentration is determined quantitatively and the epoxide hydrolase activity in the analyte is determined therefrom.

20. (*new*) The process of claim 18, wherein the epoxide-containing substrate is selected from the group consisting of styrene oxide, 3-phenylglycidate, hexane-1,2-oxide and indene oxide, each of which group members being employed in enantiomeric pure form or as an enantiomeric mixture.

21. (*new*) The process of claim 18, wherein the bacteria of the genus *Streptomyces* are selected from the strains *Streptomyces griseus* (DSM 40236 and DSM 13447), *Streptomyces thermovulgaris* (DSM 40444 and DSM 13448), *Streptomyces antibioticus* Tü4 (DSM 12925), *Streptomyces arenae* Tü495 (DSM 40737 and DSM 12134) and *Streptomyces fradiae* Tü27 (DSM 12131).

APPENDIX II:

THE CURRENT CLAIMS (clean version):

1. (*currently amended*) An epoxide hydrolase (E.C. 3.3.2.3) from a microorganism of the genus *Streptomyces*.

2. (*original*) An epoxide hydrolase as claimed in claim 1, having at least one of the following properties:
   a) hydrolytic epoxide cleavage of a styrene oxide and of at least one other compound selected from ethyl 3-phenylglycidates, n-hexane-1,2-oxides, n-decane-1,2-oxides and indene oxides;
   b) conversion of a racemate of styrene oxide with an enantioselectivity E ≥ 2 to give (S)-phenyl-1,2-ethanol.

3. (*currently amended*) An epoxide hydrolase isolated from bacteria of the genus *Streptomyces* from the species *Streptomyces griseus*, *Streptomyces thermovulgaris*, *Streptomyces antibioticus*, *Streptomyces arenae* and *Streptomyces fradiae*.

4. (*currently amended*) A *Streptomyces antibioticus* Tü4 deposited at the DSMZ under the Deposit Number DSM 12925.

5. (*currently amended*) A process for separating epoxide enantiomer mixtures, which comprises
   a) incubating an epoxide enantiomer mixture, which comprises an epoxide hydrolase substrate, with an epoxide hydrolase as claimed in claim 1, a microorganism of the genus *Streptomyces*, an epoxide hydrolase-containing homogenate thereof, or a fraction of this homogenate;
   b) converting the enantiomeric mixture; and
   c) fractionating the reaction mixture.

6. (*currently amended*) A process as claimed in claim 5, wherein an enantiomeric mixture of an epoxide is converted, which mixture is selected from the group consisting of styrene oxides, 3-phenylglycidate, hexane-1,2-oxides, decane-1,2-oxides and indene oxides.

7. (*currently amended*) A detection method for epoxide hydrolase, which comprises
   a) incubating an analyte in which epoxide hydrolase activity is suspected with an epoxide-containing substrate for the hydro-

lase under reaction conditions, wherein the analyte is a bacterium of the genus *Streptomyces*, a homogenate therefrom or a fraction of this homogenate;

b) carrying out a color reaction with the epoxide remaining unreacted in stage a) in the presence of 4-nitrobenzylpyridine (NBP) to form a pigment; and

c) analyzing the solution from step b) for a decrease in pigment concentration, relative to an epoxide hydrolase-free control solution.

8. (*original*) A method as claimed in claim 7, wherein the relative decrease in pigment concentration is determined quantitatively and the epoxide hydrolase activity in the analyte is determined therefrom.

9. (*canceled*)

10. (*canceled*)

11. (*currently amended*) A method as claimed in claim 7, wherein the epoxide-containing substrate is selected from the group consisting of styrene oxide, 3-phenylglycidate, hexane-1,2-oxide and indene oxide, each of which group members being employed in enantiomeric pure form or as an enantiomeric mixture.

12. (*currently amended*) A screening method for detecting microorganisms having epoxide hydrolase activity, or having the ability for the enantioselective hydrolysis of epoxides, comprising a detection method as claimed in claim 7.

13. (*currently amended*) A method for the enantioselective hydrolysis of epoxides, which comprises reacting an enantiomeric mixture of epoxides with an epoxide hydrolase as claimed in claim 1, a microorganism of the genus *Streptomyces*, an epoxide-hydrolase-containing homogenate thereof or a fraction of this homogenate to obtain a reaction mixture comprising non-reacted epoxide and a hydroxyide, and isolating the non-reacted epoxide or the hydroxide, or both from the reaction mixture.

14. (*canceled*)

15. (*currently amended*) A process for producing epoxide hydrolases (E.C. 3.3.2.3), which comprises

a) producing a cell homogenate from a culture of a microorganism of the genus *Streptomyces*;

b) fractionating the homogenate obtained in stage a), and testing the resultant fractions for epoxide hydrolase activity; and

c) combining fractions having epoxide hydrolase activity, and optionally further fractionating the combined fractions.

16. (*new*) The epoxide hydrolase of claim 3, wherein the bacteria of the genus *Streptomyces* are selected from the strains *Streptomyces griseus* (DSM 40236 and DSM 13447), *Streptomyces thermovulgaris* (DSM 40444 and DSM 13448), *Streptomyces antibioticus* Tü4 (DSM 12925), *Streptomyces arenae* Tü495 (DSM 40737 and DSM 12134) and *Streptomyces fradiae* Tü27 (DSM 12131).

17. (*new*) The process of claim 5, wherein the conversion of stage (b) is allowed to proceed until reaction equillibrium is established before proceeding to stage (c).

18. (*new*) The process of claim 15, wherein the resultant fractions are tested for epoxide hydrolase activity by a method which comprises

a) incubating an analyte in which epoxide hydrolase activity is suspected with an epoxide-containing substrate for the hydrolase under reaction conditions, wherein the analyte is a bacterium of the genus *Streptomyces*, a homogenate therefrom or a fraction of this homogenate;

b) carrying out a color reaction with the epoxide remaining unreacted in stage a) in the presence of 4-nitrobenzylpyridine (NBP) to form a pigment; and

c) analyzing the solution from step b) for a decrease in pigment concentration, relative to an epoxide hydrolase-free control solution.

19. (*new*) The process of claim 18, wherein the relative decrease in pigment concentration is determined quantitatively and the epoxide hydrolase activity in the analyte is determined therefrom.

20. (*new*) The process of claim 18, wherein the epoxide-containing substrate is selected from the group consisting of styrene oxide, 3-phenylglycidate, hexane-1,2-oxide and indene oxide, each of which group members being employed in enantiomeric pure form or as an enantiomeric mixture.

21. (*new*) The process of claim 18, wherein the bacteria of the genus *Streptomyces* are selected from the strains *Streptomyces griseus* (DSM 40236 and DSM 13447), *Streptomyces thermovulgaris* (DSM 40444 and DSM 13448), *Streptomyces antibioticus* Tü4 (DSM 12925), *Streptomyces arenae* Tü495 (DSM 40737 and DSM 12134) and *Streptomyces fradiae* Tü27 (DSM 12131).

BUDAPESTER VERTRAG ÜBER DIE INTERNATIONALE
ANERKENNUNG DER HINTERLEGUNG VON MIKROORGANISMEN
FÜR DIE ZWECKE VON PATENTVERFAHREN

INTERNATIONALES FORMBLATT

BASF AG
ZHF - A 3
Carl-Bosch-Strasse

67056 Ludwigshafen

EMPFANGSBESTÄTIGUNG BEI ERSTHINTERLEGUNG, ausgestellt gemäß Regel 7.1 von der unten angegebenen INTERNATIONALEN HINTERLEGUNGSSTELLE

I. KENNZEICHNUNG DES MIKROORGANISMUS

Vom HINTERLEGER zugeteiltes Bezugszeichen:	Von der INTERNATIONALEN HINTERLEGUNGSSTELLE zugeteilte EINGANGSNUMMER:
LU 9124 / TÜ 4	DSM 12925

II. WISSENSCHAFTLICHE BESCHREIBUNG UND/ODER VORGESCHLAGENE TAXONOMISCHE BEZEICHNUNG

Mit dem unter I. bezeichneten Mikroorganismus wurde

( ) eine wissenschaftliche Beschreibung
(X) eine vorgeschlagene taxonomische Bezeichnung

eingereicht
(Zutreffendes ankreuzen).

III. EINGANG UND ANNAHME

Diese internationale Hinterlegungsstelle nimmt den unter I bezeichneten Mikroorganismus an, der bei ihr am 1999-07-13 (Datum der Ersthinterlegung)' eingegangen ist.

IV. EINGANG DES ANTRAGS AUF UMWANDLUNG

Der unter I bezeichnete Mikroorganismus ist bei dieser Internationalen Hinterlegungsstelle am eingegangen (Datum der Ersthinterlegung) und ein Antrag auf Umwandlung dieser Ersthinterlegung in eine Hinterlegung gemäß Budapester Vertrag ist am eingegangen (Datum des Eingangs des Antrags auf Umwandlung).

V. INTERNATIONALE HINTERLEGUNGSSTELLE

Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH	Unterschrift(en) der zur Vertretung der internationalen Hinterlegungsstelle befugten Person(en) oder des (der) von ihr ermächtigten Bediensteten: U. Weiks
Anschrift: Mascheroder Weg 1b, D-38124 Braunschweig	Datum: 1999-07-15

' Falls Regel 6.4 Buchstabe d zutrifft, ist dies der Zeitpunkt, zu dem der Status einer internationalen Hinterlegungsstelle erworben worden ist.